

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHICAGO TILE INSTITUTE WELFARE)
PLAN and CHICAGO TILE INSTITUTE)
PENSION PLAN,)
)
Plaintiffs,) 08 C 1364
)
v.) Judge Der-Yeghiayan
)
TILE CONCEPTS, INC.)
)
Defendant.)

Motion For Default Judgment

Plaintiffs, by its Attorney, Michael J. McGuire, move this Court to enter Judgment by Default according to Rule 55 of the Federal Rules of Civil Procedure for Defendants' failure to appear, answer or otherwise plead. Further, in support of this Motion the Plaintiffs state:

1. Plaintiffs filed their complaint on March 6, 2008 and Defendant was personally served with a copy of the Complaint and Summons on March 16, 2008. (**Group Exhibit A**)
2. The Defendant has failed to appear, answer or otherwise plead within the time allowed by the Federal Rules of Civil Procedure.
3. At all times relevant to this action, the Defendant has been bound by the provisions of a Collective Bargaining Agreement and the Trust Agreements, which created the Trust Funds.
4. Pursuant to the provisions of the Trust Agreements and Collective Bargaining Agreement, the Defendant is required to submit monthly reports to the Trust Funds which list the number of hours worked by the Defendant's employees and to pay contributions based thereon.
5. The Defendant failed to submit \$5,683.20 in contributions under the 160 hour rule for the months of October 2007 through February 2008. (**Exhibit B**)

6. By failing to pay the contributions due the Trust Funds in a timely manner, the Defendant owes liquidated damages, interest and audit fees. At the present time, the Defendant owes liquidated damages in the amount of \$142.00, and interest in the amount of \$213.84. (**Exhibit B**)

7. The Defendant owes the sum of \$1,605.00 for necessary and reasonable attorney fees and costs which are collectible under the terms of the Collective Bargaining Agreements, Trust Agreements and Federal law (29U.S.C. §1132(g)(2)(b)). (**Exhibit C**)

WHEREFORE, Plaintiffs move for Judgment in the amount of \$7,644.04.

By: s/ Michael J. McGuire
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